

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
SHAW FAMILY ARCHIVES, LTD., EDITH
MARCUS and META STEVENS,

Plaintiffs,

v.
CMG WORLDWIDE, INC., an Indiana
Corporation and MARILYN MONROE, LLC, a
Delaware Limited Liability Company,

Defendants.

: 05 CV 3939 (JMM)

**DECLARATION OF ORIN
SNYDER IN SUPPORT OF
DEFENDANTS' MOTION TO
DISMISS, STAY, OR
TRANSFER**

----- x

I, Orin Snyder, declares under penalty of perjury, pursuant to 28 U.S.C. 1746, as follows:

1. I am a member of the bar of the State of New York and a partner in the law firm of law firm Gibson, Dunn & Crutcher LLP ("GD&C"), counsel to defendants CMG Worldwide, Inc., and Marilyn Monroe, LLC. I am familiar with the matters sets forth herein and make this declaration in support of defendants' motion to dismiss, stay or transfer.
2. I make this declaration based on personal knowledge and conversations, and I could and would competently testify to the following matters if called to do so.
3. On April 19, 2005, Plaintiffs' filed their original complaint in this Court.

Subsequently, on May 11, 2005, Plaintiffs filed an Amended Complaint in this action. A true and correct copy of the Plaintiffs' Amended Complaint in this action, dated May 11, 2005, ("Shaw Complaint") is attached hereto as Exhibit A.

4. A true and correct copy of the complaint filed in the Southern District of Indiana on March 23, 2005, *CMG Worldwide, Inc. and Marilyn Monroe LLC v. Bradford Licensing*

Associates, The Shaw Family Archives, Ltd., and James E. Dougherty, Cause No. 1-05-CV-0423-DFH-WTL ("CMG Complaint"), is attached hereto as Exhibit B.

5. In March 2005, CMG and Marilyn Monroe LLC filed three related actions in the Southern District of Indiana against other defendants concerning both the Monroe Intellectual Property Rights and the validity of copyrights in and to photographic images of Marilyn Monroe purportedly owned by such defendants ("Related Indiana Actions"). CMG and Marilyn Monroe LLC will be seeking to consolidate all of the Indiana actions as related cases.

6. A true and correct copy of the complaint filed in the Southern District of Indiana on March 22, 2005, *CMG Worldwide, Inc. and Marilyn Monroe LLC v. The Milton H. Greene Archives, LLC*, Cause No. 1-05-CV-0415-RLY-TAB, is attached hereto as Exhibit C.

7. A true and correct copy of the complaint filed in the Southern District of Indiana on March 23, 2005, *CMG Worldwide, Inc. and Marilyn Monroe LLC v. Estate of Andre De Dienesw and Shirley T. Ellis De Deines*, Cause No. 1-05-CV-0448-LJM-WTL, is attached hereto as Exhibit D.

8. A true and correct copy of the complaint filed in the Southern District of Indiana on March 25, 2005, *CMG Worldwide, Inc. and Marilyn Monroe LLC v. Tom Kelly Studios, Inc.*, Cause No. 1-05-CV-0442-LJM-WTL, is attached hereto as Exhibit E.

9. In April 2005, the defendants in the Related Indiana Actions each filed lawsuits against CMG and Marilyn Monroe LLC in the Central District of California involving the same rights of publicity and copyright issues as those in the first-filed Related Indiana Actions. CMG and Marilyn Monroe LLC moved to have all three California cases dismissed, stayed or transferred to Indiana.

10. On May 19, 2005, the Central District of California issued an order granting CMG's and Marilyn Monroe LLC's motion to stay the California cases pending the outcome of the Related Indiana Actions. A true and correct copy of the Order Denying Defendants' Motion to Dismiss and Granting Defendants' Motion to Stay Actions Pending the Outcome of Competing Cases in the Southern District of Indiana, Case No. CV 05-2200 MMM (Mcx), is attached hereto as Exhibit F.

11. A response to the CMG Complaint was due on April 20, 2005, however, on April 19, 2005, Shaw Family Archives, Ltd., filed a notice of enlargement of time pursuant to Indiana Local Rule 6.1, extending the time to respond to May 20, 2005. A true and correct copy of this Notice of Enlargement of Time, dated April 19, 2005, is attached hereto as Exhibit G.

I declare under the penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration was executed on the 3rd day of June, 2005, at New York, New York.

/s/ Orin Snyder

Orin Snyder

[80327978_1.DOC](#)